

In the
Indiana Supreme Court

IN RE THE MARRIAGE OF)	Supreme Court No. 02S00-0507-DI-315
)	
NANCY J. HEFFELFINGER)	
)	
and)	
)	Case No. 02C01-0505-DR-461
JEFFREY R. HEFFELFINGER)	in the Allen Circuit Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

By order dated July 12, 2005, the Honorable Thomas J. Felts, Judge of the Allen Circuit Court, recused himself from this matter and certified it to this Court for the appointment of a special judge.

In his transmittal letter to this Court, Judge Felts indicates that he “confirmed with Judge Kevin Wallace of the DeKalb Superior Court that he has been contacted by counsel for both parties and that he will accept the assignment if given.”

Indiana Trial Rule 79(D) sets forth the procedure prescribed by this Court where, in the event of recusal, the parties agree to an eligible special judge. It appears that this is the situation here. Trial Rule 79(D) does not require the intervention or involvement of this Court.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Allen Circuit Court and Judge Felts for further proceedings consistent with Trial Rule 79.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Thomas J. Felts, Allen Circuit Court, 715 South Calhoun Street, #300, Fort Wayne, IN 46802-1805, and to the Clerk of the Allen Circuit Court.

The Clerk of the Allen Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of August, 2005.

Acting Chief Justice of Indiana